IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 24293 of 2007(P)

PETITIONER:
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1. R.VENUGOPAL, RESIDING AT T.C.2487(1),
'SARANGI', MARAPPALAM, PATTOM P.O.,
THIRUVANANTHAPURAM.
2. SREEKALA, RESIDING AT -DO- -DO-.

BY ADV. SRI.L.MOHANAN
SMT.LIGEY ANTONY
SRI.M.V.KIRAN MOHAN

RESPONDENTS:
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1. DIRECTOR GENERAL OF POLICE,
KERALA, THIRUVANANTHAPURAM.

2. CITY POLICE COMMISSIONER,
THIRUVANANTHAPURAM.

3. CIRCLE INSPECTOR OF POLICE,
PEROORKADA, THIRUVANANTHAPURAM.

4. SUB INSPECTOR OF POLICE,
PEROORKADA POLICE STATION,
THIRUVANANTHAPURAM.

5. P.T.LALITHAMBIKA, RESIDING AT
'STHANU ENCLAVE', VIKRAMPURI HILLS,
EAST PATTOM, KOWDIAR VILLAGE,
THIRUVANANTHAPURAM.

6. REMA RAJENDRAN, RESIDING AT -DO- -DO-

7. RAJENDRAN, RESIDING AT -DO- -DO-

8. SARASWATHY NAIR, RESIDING AT 41 H,
P.T.P NAGAR, THIRUVANANTHAPURAM.

BY ADV. SRI.R.S.KALKURA
SRI.M.S.KALESH
SRI.M.AJAY (IRUMPANAM)
SRI.HARISH GOPINATH
SRI.V.VINAY MENON
SRI.G.HARIKRISHNAN (TRIPUNITHURA)
GOVT. PLEADER SRI. P.A. SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

Petitioner's Exhibits

Ext.P1: Copy of the judgment in CMA 126/2001 dated 15-11-2004

Ext.P2: Copy of the judgment in W.P(C) 1831/2005 dated 11-12-2006.

Ext.P3: Copy of the judgment in O.S. 238/2001 dated 29-5-2007

Ext.P4: Copy of the order of anticipatory bail by the Sessions Court dated 4-7-2007.

Ext.P5: Copy of the complaint of petitioners to the 1st respondent

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K.BALAKRISHNAN NAIR & HARUN-UL-RASHID, JJ.

WPC NO.24293 OF 2007-P

Judgment

Balakrishnan Nair, J.

The petitioners have approached this Court, alleging that the 4th respondent SI of Police is harassing them. There is a civil dispute between them and respondents 5 to 8 concerning a pathway. The same has generated a few civil and criminal cases. The petitioners submit, the police is interfering as the party respondents are highly influential to tilt the balance in favour of those respondents in the above dispute. Special reference is made to the alleged harassment meted out by the 4th respondent. The learned Government Pleader upon instruction submitted that in connection with the civil dispute, the petitioners are indulging in criminal activities and even one of the woman police constables was abused using filthy language. Three criminal cases have been registered against them and final reports have been filed in those cases, it is submitted. So, investigating the criminal cases or arresting the accused cannot be described as harassment from the part of the police, it is submitted.

2. We heard the learned counsel for respondents 5 and 6 also. He

asserts that the suit filed by them against the petitioners though dismissed for default, has now been restored and it is pending.

3. The police is not expected to interfere in the civil dispute between the parties. But, it has got a duty to maintain law and order and prevent breach of peace. For that, the police can exercise all powers conferred by the relevant statutes. The Writ Petition is disposed of making the above observations.

K.BALAKRISHNAN NAIR,JUDGE

16.08.2007 **HARUN-UL-RASHID, JUDGE**

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